

## Institutional Change and Political Conflict: Evaluating Alternative Explanations of Electoral Reform in Costa Rica\*

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### **Abstract:**

This article seeks to identify the conditions that prompt executives and legislators to reform electoral laws, especially those with far-ranging and redistributive consequences. It pursues this objective by evaluating the ability of alternative models of political behaviour and institutional reform to account for the promulgation of the 1946 Electoral Code in Costa Rica, one of the oldest and most stable democracies in Latin America and in the world, more generally. The 1946 Electoral Code, among other reasons, merits study because its enactment threatened to loosen the governing party's grip on the presidency in the 1948 elections and promised to eradicate — if not reduce — its majority in Congress in the 1946 midterm as well as 1948 elections.

A central conclusion of this article is that, contrary to some recent critiques of strategic models of institutional change, the inability of legislative seat maximization or career protection models to explain the promulgation of the 1946 Electoral Code does not mean that rational choice theories cannot account for the reform of electoral laws. By developing a third model that focuses upon the interest incumbents have in promoting political stability, this article shows that the creation of institutions that promise to punish key sectors of the ruling bloc is prompted, in part, by the threat of a civil war that at least some incumbents fear losing. The establishment of institutions with such redistributive repercussions also stems from the willingness of some within the ruling bloc to fashion a new alliance with those in the opposition who also share an interest in political stability.

### **Article:**

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Consolidating a democratic regime requires creating a set of institutions guaranteeing the sanctity of the vote as well as commanding the respect of all social and political forces. As the 1990 Nicaraguan and the 1994 El Salvadoran elections demonstrate, electoral contests that are perceived as fair can contribute to settling longstanding conflicts. That most Latin American countries are now undergoing efforts to reform electoral laws (see, for example, Nohlen, 1993) reveals how important such issues have become in the aftermath of transitions to democracy.

Creating institutions that are valued by political parties and the citizenry at large, however, is rarely accomplished easily. The longer incumbents have been in power, the less likely they are to be willing to reform political arrangements that preserve their influence on the executive and legislative branches of government. As the implementation of far-reaching electoral reform bills, for example, in Italy (1993), Japan (1993), and Venezuela (1988-89) indicates, hegemonic parties can be coaxed into accepting or forced to accept unpalatable institutional changes. Why?

This article assesses alternative responses to this question by examining the promulgation of an Electoral Code in Costa Rica in 1946. By precluding the use of fraud in elections (and by creating a closed-list version of proportional representation), it has assured both incumbents and opposition movements that participation in the electoral arena is regulated by a set of impartially administered laws. As the cornerstone of existing electoral legislation in Costa Rica (Hernández Valle, 1990),<sup>1</sup> the 1946 Electoral Code thus has contributed to the development of one of the most stable democratic regimes in the world (Ameringer, 1982; Booth, 1989; Lehoucq, 1992; 1993).

Analysis of the enactment of this electoral reform bill is also germane because it was sponsored by an incumbent party that stood to benefit from the use of electoral fraud. In an environment characterized by uncertainty, the enactment of this bill threatened to cost the governing PRN (National Republican Party) the presidency in the 1948 elections and promised to eradicate its majority in Congress in the 1946 midterm as well as 1948 elections. Why did so many PRN politicians help to establish institutions not in their own self-interest?

Assuming, for example, that parties are motivated by the desire to maximize votes, along with their control of executive and legislative posts, appears to explain why many PRN legislative deputies loyal to ex-President Rafael Angel Calderón Guardia (1940-44) tried to derail passage of the Electoral Code. Widely suspected of having employed fraud and coercion to install Teodoro Picado Michalski on the presidency in the 1944 elections, Calderón Guardia had become a highly controversial politician. Maintaining control of Congress was a key element of what many suspected to be Calderón Guardia's efforts to return to the presidency in the 1948 elections. Under existing constitutional statutes—and in no way altered by the proposed Electoral Code—Congress retained the authority to judge the validity of election results.

Narrowly self-interested models of party and deputy behaviour, however, cannot satisfactorily explain why some PRN deputies belonging to the 'Calderonista' faction (loyal to Calderón Guardia) of the PRN did endorse electoral reform. Nor can they account for President Picado Michalski's decision to send Congress the Electoral Code reform bill. Neither can they delineate why some members of the main opposition party, the PD (Democratic Party), rejected a reform bill that promised to increase their numbers in Congress.

According to political sociologists (Lipset and Rokkan, 1967; Kitschelt, 1992; and Lipset, 1992, for recent statements), the inability of this account to make sense of the behaviour of the president and of important legislative factions undermines standard rational choice explanations of institutional change. The importance of this model, such critics contend, underscores the need to show how values and other cognitive factors shape the decision-making of politicians. If these criticisms are sound, then recent efforts to develop rationalist explanations of institutions (Knight, 1992; Tsebelis, 1990), at best, are of limited utility.

Without denying the importance of studying these sociological factors, I show how a more thorough specification of the divergent interests held by politicians can furnish rational choice models capable of explaining the perplexing decisions made by key Costa Rican politicians in the mid-1940s. Most importantly, I accomplish this objective without disregarding the shortcomings of the most popular rational choice explanation—what I call the legislative maximization model—of institutional change. Neither do I succumb to the temptation of creating an ill-defined and hence arbitrary notion of self-interest to rescue this model of political reform that I also demonstrate is of limited utility.

My principal contention is that the creation of institutions that promise to punish key sectors of the ruling bloc is prompted in part by the threat of a civil war that at least some incumbents fear losing. Though hardliners ultimately succeeded in igniting a civil war between the government and opposition, the 1946 Electoral Code stands as the most notable achievement of pro- and anti-regime moderates to thwart the polarization of Costa Rican politics in the mid-1940s (Lehoucq, 1992, pp. 247-74). The establishment of institutions with such redistributive consequences also stems from the willingness of some within the ruling bloc to fashion a new alliance—what George Tsebelis (1990) calls a new deal coalition—with those in opposition with whom they share an interest in political stability.

In the first part of this article, I examine existing research on the origins as well as the consequences of electoral reform. I then outline alternative interpretations of institutional reform and discuss the key reforms contained by the Electoral Code project. In the main section of this article, I evaluate the plausibility of these models of electoral reform by discerning their ability to explain the behaviour of politicians confronted with the task of preserving or transforming the electoral laws then in existence in Costa Rica. I conclude this article by summarizing my findings, then by discussing their implications for theories of institutional change and, finally, by assessing its impact on Costa Rican politics.

### *Perspectives on the Origins of Electoral Laws*

Although much is (and more needs to be) known about the consequences of electoral laws, significantly less is known about the origins of electoral laws. Scattered findings do not even debate the veracity of a claim analogous to Duverger's Law (1954; 1986)—the proposition that multi-member districts using proportional representation tend to generate multi-party systems while single-member, plurality districts tend to produce two-party systems. Students of the effects of electoral laws at least are debating the role of district magnitude, electoral formulas, balloting procedures, and the like on party systems and political behaviour (Grofman and

Lijphart, 1986; Katz, 1980; Lijphart, 1990, 1993; Lijphart and Grofman, 1984; Rae, 1971; Riker, 1982; Sartori, 1986; Taagepera and Shugart, 1989).

### *The Genesis of Electoral Laws*

**Rationalist Accounts of Electoral Reform:** Several studies contend that electoral laws are the products of negotiations between incumbents and their opponents (Bawn, 1992; Brady and Mo, 1992), each of whom is trying to maximize their legislative representation. Another, much more speculative effort (Geddes, 1990), argues that preferences over electoral laws, along with constitutional and other institutional arrangements, are driven by the desire of politicians to protect and to further their careers.<sup>2</sup> Yet another analyst (Shugart, 1992) suggests that electoral reform is the outcome of a struggle that includes party leaders as well as rank and file, each of whom are constrained by the preferences of their constituents.

**Criticisms of Rational Choice Approaches:** It is undoubtedly true that actors with such easily identifiable preferences play an important role in the design of electoral laws. It is equally true, however, that those who promulgate far-reaching electoral laws may hold more complex reasons for doing so, especially if such institutional changes threaten the future political standing of consenting parties.

In an effort to understand choices over electoral laws in eleven southern and East European countries, for example, Kitschelt (1992) contends that the assumption of maximizing legislative representation cannot account for why politicians in Bulgaria, Hungary and Spain adopting systems of proportional representation. In these countries, plurality or majoritarian electoral systems, Kitschelt argues, could have cemented the stranglehold of two predominant parties. On the basis of these and other observations, Kitschelt (1992, p. 28) concludes that rational choice accounts do not 'perform very well when they are applied to situations in which relatively little information about the actors' payoffs is available and in which strategic interaction may be rather complicated across sets of actors over time.'

One way to circumvent the limitations of perhaps the most straightforward rational choice account of institutional design is to complement, as Kitschelt recommends, such models with sociological and cultural explanatory variables. Choices over electoral laws, he suggests, might also have much to do with the number of cleavages existing in a society and with 'precedent in one's own country's history or the experience of some other successful model' (Kitschelt, 1992, p. 27). Students on institutional reform therefore should examine how social structural and cognitive constraints shape the preferences of politicians confronted with the choice of maintaining or transforming electoral laws.

**Reformulating Rational Choice Accounts:** Another route to a robust explanation of institutional reform is to modify what is an admittedly narrow interpretation of the motivations of politicians contemplating reform of electoral laws without jettisoning the core assumptions of a rational choice explanation of political behaviour. Such explanations rely upon a notion of instrumental, or what Elster (1983) calls 'thin', rationality, and, as a consequence, the proposition that individuals pursue a course of action optimal in the light of all the constraints they face.

That politicians make choices at odds with their interest in maximizing their legislative representation may reveal nothing more than that an analyst has not identified all of the arenas in which politicians compete. The behaviour of parties that seems irrational or extra-rational therefore is not necessarily conclusive evidence that rational choice theories cannot explain institutional reform (Tsebelis, 1990). Seemingly bizarre political decision-making perhaps indicates that the design of electoral laws often involves actors competing in a variety of political arenas where they must make less than ideal trade-offs among choices over institutional arrangements.

### *Alternative Models of Electoral Reform*

By examining why many within the PRN—the majority party in Costa Rica during the 1940s—endorsed the 1946 Electoral Code, this article shows how the existence of a multiplicity of arenas often generates contradictory choices for politicians confronted with the task of maintaining or transforming prevailing institutions' Before analysing the politics of electoral reform in the light of these arguments, I outline three distinct rational choice models of political behaviour and institutional reform in order to show how different assumptions about the goals of politicians stem from identifying some, but not necessarily all, of the arenas that they inhabit' Each hypothesizes how politicians should behave when confronted with the choice of transforming the rules regulating access to key state offices.

**Maximizing Legislative Influence:** Perhaps the most obvious explanation of the decision to endorse or to reject the electoral reform made by deputies focuses on the impact of the Electoral Code on the legislative standing of parties. It assumes that parties wish to maximize their legislative representation in order to be able to convert their preferences into policy' Support of the Electoral Code thus would have stemmed from parties that would have increased their strength in Congress' Conversely, opposition to electoral reform would have been organized by those parties who expected the promulgation of the Electoral Code to decrease their power in the legislature. Both hypotheses can be derived from some of the most popular accounts of the behaviour of parties and represent perhaps the most straightforward version of a rational choice explanation of institutional change.<sup>3</sup>

**Protecting Political Careers:** Examining the effects of the Electoral Code on the political careers of individual deputies is another way to understand why some deputies opposed the proposed legislation while others endorsed it. Deputies dependent upon corrupt political machines for election to Congress would vote against a bill that threatened to eliminate the use of electoral fraud. Conversely, deputies that do not rely upon fraudulent methods to be elected to Congress would not oppose a bill that was principally aimed at creating rules to guarantee the fairness of electoral competition.

Both hypotheses are consistent with existing research on political gerrymandering and on how incumbents seek to design rules aimed at protecting their hold on public office (Grofman et al., 1982; Grofman, 1990). They also represent derivations of rational choice explanations of political behaviour: they suggest that congressmen dependent upon the manufacture of electoral fraud by political machines will hinder reform of electoral laws that seek to detect and punish transgressors of fair electoral practices.

**The Promotion of Political Stability:** The final explanation of electoral reform assessed in this article focuses upon the consequences of the non-enactment of fundamental institutional changes on the survival of incumbents. It suggests that governments rarely alter the rules and institutions that brought them to power and that promise to cement their hold on the state. Some within the ruling bloc will favour far-reaching reforms only when, in the first place, they become convinced that the failure to reform the rules regulating access to state office will provoke a civil war that they might lose. Incumbents, in the second place, will push for such changes when at least some within the ruling bloc believe that compromising with a sector of the opposition promises to create a new and hopefully dominant set of alliances in politics—what Tsebelis (1990) calls a new deal coalition.

This explanation is consistent with common sense regarding political behaviour. Governments historically have, in part, implemented far-reaching reforms only under pressure of military defeat. They also have supported reform when doing so promises to cement a coalition with key political sectors. By concentrating upon the concern of political survival possessed by every government, this model of reform also constitutes a rational choice explanation of political behaviour, though of a more sophisticated sort.

### *The Scope of the 1946 Electoral Code*

In his 1944 state-of-the-nation address to Congress, President Picado Michalski announced his intention to overhaul existing electoral legislation. Over the next year and a half, his Secretary of the Interior (Gobernación), Fernando Soto Harrison, selected a number of distinguished magistrates to form a commission to draft a new Electoral Registry and encouraged the formation of a legislative commission to write a new set of electoral laws for Costa Rica.

The Electoral Code was drafted by three deputies selected by the Director of Congress, each of whom was to have belonged to one of the three principal parties represented in Congress. For unknown reasons, opposition Deputy Victor Manuel Elizondo resigned from the commission on 11 January 1945 and was replaced by the First Alternate of the Province of Heredia, Juan Rodríguez Ulloa (PRN) (CC, ES No. 66 [11 January 1945], art. 2). The Special Commission, comprised of Deputies Francisco Fonseca Chamier (PRN), Luis Carballo Corrales (PVP) and Rodríguez Ulloa, not only refashioned every aspect of existing Costa Rican electoral legislation, but also included a slightly amended draft law for a new registry of voters prepared by three magistrates which was presented to Congress on 15 March 1945 (Proyecto [28 June 1945]).<sup>4</sup>

With two exceptions, this draft project did not aim to alter the closed-list, largely proportional representational system of electoral laws then existing in Costa Rica.<sup>5</sup> Under prevailing electoral laws, only parties in the provinces sending three or more representatives to Congress that achieved what was called a 'quotient' (cociente)—a figure produced by dividing the total number of popular votes by contested legislative seats—could obtain congressional posts for which no party had a quotient. Minorities that failed to meet the quotient were excluded from competing for left-over legislative seats (el sistema de arrastre), even if their vote totals were greater than the residual number of votes held by larger parties. Indeed, the existing electoral law favoured the parties with the largest number of votes on the occasions when such seats needed to be distributed.

Under the proposed Electoral Code, however, all legislative seats in the seven provinces would be distributed by the least remainders system of proportional representation. Thus, minority as well as majority parties in each province (including those with fewer than two contested seats) with the largest number of votes and at least 75 per cent of a quotient struggled to obtain unaccounted seats.<sup>6</sup>

The proposed law mainly aimed to eliminate the president's discretionary authority in electoral matters by severely circumscribing his ability to manipulate his powers of appointment and of adjudication as well as to eradicate the ability of pro- as well as anti-government parties to manufacture fraudulent votes. Its principal innovations included renaming and strengthening the authority of the Grand Electoral Council—an institution created in 1925 to supervise the organization of electoral contests. The newly-created National Electoral Tribunal (TNE) was to consist of three members and their alternates, one of each was to be selected by the executive, legislative, and judicial branches of government. Among other responsibilities, the TNE determined the composition of provincial electoral juntas and was entrusted with settling conflicting claims regarding the implementation of the Electoral Code. Most importantly, the TNE held the responsibility of issuing a provisional verdict on the results of elections, which then were to be accepted or rejected by an extraordinary session of Congress on 1 March, approximately three weeks after election day.<sup>7</sup>

To ensure that incumbent parties did not possess an unfair political advantage, the Electoral Code permitted representatives of all registered parties to play a role in every aspect of the electoral process. Parties were empowered to supervise the registration of voters, the printing of ballots and, most importantly, to certify the initial tally of the vote conducted at each polling station. To prevent any individual from voting more than once on election day, the Electoral Code also advocated the suppression of absentee balloting (*votos a computar*). Citizens were no longer permitted to cast their ballots outside of their district of residence. Henceforth, only members of polling stations, party election observers and scribes could, with appropriate certification, cast ballots outside of their home districts. The creation of a new Electoral Registry also sought to prevent citizens from voting on more than one occasion by assembling an accurate list of individuals entitled to vote and by endowing each citizen with a photographic identification card. Estimates suggest that absentee balloting, faulty electoral rolls and defective forms of personal identification had permitted, by the mid-1940s, both government and opposition forces to inflate vote totals by as much as 40,000 to 60,000 ballots—a number approximately equal to a fourth to a third of the registered electorate (Lehoucq, 1992, pp' 181, 318-19).

The electoral reform bill sponsored by President Picado Michalski thus severely limited the use of fraud, both by pro- and anti-government forces. No longer would governments be able to manufacture fraudulent voter identification cards to inflate vote totals received by officially-sponsored movements' Neither would governments or their opponents be able to purchase identification cards so that their loyal followers could vote more than once on election day. By ensuring that official election observers from each registered party must approve of the initial tally of the vote conducted at every polling station, the Electoral Code prevented pro-government officials and parties from contaminating electoral results at the expense of antigovernment forces.



### *Legislative Supporters and Opponents of the Electoral Reform*

President Picado Michalski possessed few allies in his attempt to gain congressional approval of these reforms. In the 1944-46 legislature, he could count upon the support of not more than 10 PRN congressmen, some of whom were his followers,

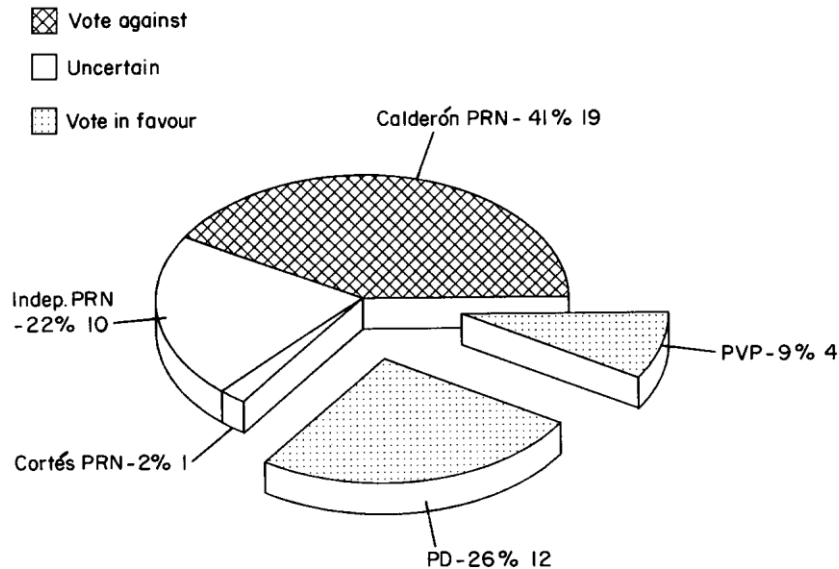


FIG. 1. Party affiliations of deputies and their views regarding reform, 1945-46  
Source: Johnson (5 June 1945).

TABLE 1. Glossary of party labels

Acronyms and names	Name of party	Notes
PD	Democratic Party	Main opposition party
PRN	National Republican Party	Governing party
PVP	Popular Vanguard Party	Communist party; ally of PRN
Calderón PRN		PRN members loyal to Calderón
Cortés PRN		PRN members loyal to Cortés Castro (opposition leader)
Independent PRN		Independent members of the PRN

others who were neither loyal calderonistas or picadistas (Lane, 7 August 1944; Johnson, 5 June 1945). Like the president, an unknown portion of these deputies realized that the promulgation of electoral reforms would increase their prestige and might even improve their future political standing. How the PRN deputy backing the principal opposition leader, Leon Cortes Castro, would behave was also uncertain: as a member of the majority party, he would be inclined to oppose reform. As a follower of Cortes Castro, however, he might decide to endorse a bill that increased guarantees for the opposition leader.

The president probably would be able to rely upon most of the thirteen opposition congressmen, who also believed that they could attract a substantially larger number of votes if existing



electoral safeguards were reinforced. Finally, President Picado Michalski was supported by the four representatives of the PVP, Costa Rica's communist party and the PRN's principal ally since 1943 (Contreras and Cerdas, 1988; Miller, 1993). Puzzling to domestic critics of anti-communism, the PVP's stance was motivated, in part, by a concern to free itself of dependence on PRN: under an effective set of electoral safeguards, the PVP expected to increase its share of the popular vote. More importantly, the PVP also realized that the Electoral Code promised to augment its representation in Congress even if its level of electoral support did not change, because it, like other minorities, would no longer be excluded from competing for legislative posts left after such seats were allocated to those parties that had reached one or more quotients.

The obstacle blocking the passage of the Electoral Code was the recalcitrance, if not the outright hostility, of many loyal calderonista PRN deputies. An effective set of electoral guarantees meant that public offices would be allocated to those who successfully appealed to voters. In elections where the stuffing of ballot boxes would be detected more easily, the uncertainty of electoral outcomes would increase substantially.

### *Evaluating the Veracity of Alternative Accounts of Electoral Reform*

Assessing the strengths and weaknesses of these interpretations is not an easy task, in large part because many politicians remained careful not to disclose their preferences regarding electoral reform nor to publicize their assessments about the consequences of electoral reform. Nevertheless, sufficient evidence exists to determine the ability of alternative models of reform to furnish coherent explanations of the promulgation of the 1946 Electoral Code. In what follows, I rely upon Costa Rican newspapers, minutes of congressional sessions published in *La Gaceta* and memoirs to identify the strengths and weaknesses of these explanations. I have also used the reports and despatches produced by US Embassy officials that often contain valuable and previously classified material on Costa Rican politics during the 1940s.<sup>8</sup>

### *The Strengths and Weaknesses of the Legislative Maximization Thesis*

The first explanation is supported by the fact that calderonista deputies submitted a large number of amendments—108 out of 134 or 76 per cent of the total—to delay, if not to prevent, the promulgation of the Electoral Code (Mociones [4, 5 & 7 August 1945]).

Most ominously, they suggested that the Electoral Code include a provision to extend suffrage rights to women. By provoking a lengthy debate in Congress, this motion was a killer amendment because it threatened to sink the Electoral Code. If approved, the president would be forced to veto the entire electoral reform package on constitutional grounds. After a thorough study of this matter, the Board of Directors of the College of Lawyers, Costa Rica's most distinguished legal association, had concluded that furnishing women with the right to vote required a reform of the constitution—a change that required approval of two-thirds of all deputies in two different sessions of the legislature (Informe (8 October 1945)). As several reporters for *La prensa libre* (21 September 1945) noted, those in favour of electoral reform were placed in the paradoxical position of opposing suffrage rights for women if they did not want to delay—if not prevent—the approval of the Electoral Code.

The validity of this explanation is also underscored by the fact that the opposition to electoral reform was so intense that the Electoral Code was not endorsed in time for the 1946 mid-term

elections. Anti-reform deputies only agreed, in late 1945, to furnish the PD with representation on provincial Electoral Juntas, to increase the power and number of PD election observers on district-level polling stations and to allow the three branches of government to select the members of the Grand Electoral Council. They did not, most significantly, endorse a motion restricting voting rights only to those citizens with photographic identification cards.<sup>9</sup> That widespread dislike of electoral reform led the Secretary of Gobernación, Fernando Soto Harrison, to threaten his resignation on repeated occasions also reinforces the appeal of this interpretation of the enactment of the Electoral Code (Johnson, 19 November 1945).

It is a mistake, however, to conclude that the interest possessed by parties to maximize their legislative influence explains the behaviour of their deputies. At most, this explanation identifies some of the most important reasons why PVP and most opposition deputies struggled to enact the Electoral Code. It also explains why most calderonista PRN representatives consistently voted against this bill and why, after its passage became assured, they sought to delay its promulgation.

The most glaring flaws in this explanation consist of its inability to explain why some calderonista PRN deputies backed a reform presumably inimical to the interests of their party and why a handful of PD deputies opposed the passage of a bill that promised to expand their presence in Congress. The overall utility of this explanation is also undermined by President Picado Michalski's decision to seek approval of such a wide-sweeping package of electoral reforms. As a leading member of the PRN-dominated government, his ability to gain legislative approval of his programme would only decrease as larger numbers of opposition deputies were sent to Congress. His behaviour also angered Calderón Guardia and his faction of the PRN, which represented his principal source of political support.

Only if the 1946 Electoral Code had never been enacted could it be concluded that this explanation is valid. But if this outcome had been obtained, it would have been incorrect to suggest that the desire of parties to maximize their legislative influence explains the behaviour of Costa Rican legislators in the mid-1940s. Their decision either to support or oppose electoral reform could also have stemmed from the desire of individual legislators to protect their careers.

### *The Strengths and Weakness of the Political Career Protection Thesis*

Not all calderonista deputies actively participated in the fight against the electoral reform. In line with the second interpretation of electoral reform, support for the electoral reform bill perhaps did stem from calderonista deputies who felt that their future political careers were not imperilled by the enactment of the proposed reform. Though *La Gaceta* reports of the third and final vote of the Electoral Code only disclose that this bill was passed by 'a large majority' (CC, ES No. 65 (20 December 1945), art. 4), earlier votes on what were killer amendments reveal that support for the Electoral Code was uncertain, but did include some calderonista deputies.

The killer amendment introduced by Deputy Pablo Mercedes Rodríguez Rodríguez (PRN), which aimed to repeal the secret franchise, was the most daunting challenge faced by pro-reform politicians. Many congressmen appear to have supported this measure as a way of crippling a bill that promised to eliminate existing ways of manufacturing fraudulent votes, even if its sponsors were motivated by the sincerely-held belief that public voting was suitable for Costa Rica.

Analysis of the debate and its results thus sheds light on the utility of the political career protection thesis of electoral reform.

**Roll Call Analysis:** Debate on this amendment began on 26 September when Deputies José María Pinaud Pinaud (an independent-minded member of the PRN) and Rodríguez Rodríguez defended the superiority of the public over the secret franchise. Deputy Rodríguez Rodríguez, in particular, pointed out that the absence of the secret franchise had not prevented citizens from voicing their opinions nor in electing candidates disliked by the government, including Ricardo Jiménez Oreamuno's first election to the presidency in 1910. Deputy Pinaud Pinaud also underscored the fact that fraud had not disappeared from Costa Rican elections, even though the secret franchise has existed since 1925.

One of the authors of the Electoral Code project, Deputy Rodríguez Ulloa (PRN), responded by pointing out that fraud stemmed from the imperfections of existing electoral legislation, not from the secret franchise. He argued that Pinaud Pinaud's speech had failed to discuss all of the safeguards created by the Electoral Code to ensure that fraud would not remain undetected and to enforce the privacy of each citizen's vote (CC, ES No. 7 (26 September 1945), art. 3). In a subsequent session of Congress, his words were echoed by another author of the Electoral Code, Deputy Carballo Corrales (PVP), who perhaps most clearly articulated the principal drawbacks of any system of public voting (CC, ES No. 8 (27 September 1945), art. 4):

It has been said that the system of secret voting is very corrupt' But public voting only reinforces the powerful; amplifies the power of the individual who can purchase votes; and strengthens the power of the plantation owner who has an interest in the triumph of his candidate because he benefits from such a victory' Confident that his candidate will win in his district and on his plantation, he ensures that his candidate receives enough votes to obtain the favors he desires.

Like all defenders of the secret franchise, Deputy Carballo Corrales knew that its repeal would only magnify the level of fraud practiced in any election.

After the motion presented by Deputy Rodríguez Rodríguez was discussed in several congressional sessions, it was subject to a vote on 1 October. By a vote of 21 to 17, those in favour of dismantling the secret franchise had won (CC, ES No. 10 (1 October 1945), art. 4). Hoping to reverse this decision, Deputy Rodríguez Ulloa the next day presented a motion of revision, which required that congressmen again cast ballots on the matter. After a brief discussion of the merits of public and secret voting, a majority of one revoked the attempt to repeal the secret franchise: by receiving 22 votes, Deputy Rodríguez Rodríguez's motion almost succeeded in withstanding the onslaught mounted by 23 of his colleagues (CC, ES No. 11 (2 October 1945), art. 3).

Disaggregation of these roll-call votes, as summarized in Fig. 2, indicates that even if most PRN deputies voted to re-establish public voting, many of their colleagues, whether calderonista or independent-minded, did not. In the first vote, for example, 14 calderonista deputies voted in favour of this motion while 13 voted in its favour during the second roll-call vote. On both days, however, calderonista deputies voted against repealing the secret franchise, though in much fewer numbers. Only six and seven deputies backed efforts to defeat this motion on the first and second roll-call votes, respectively. In both votes, independent-minded PRN

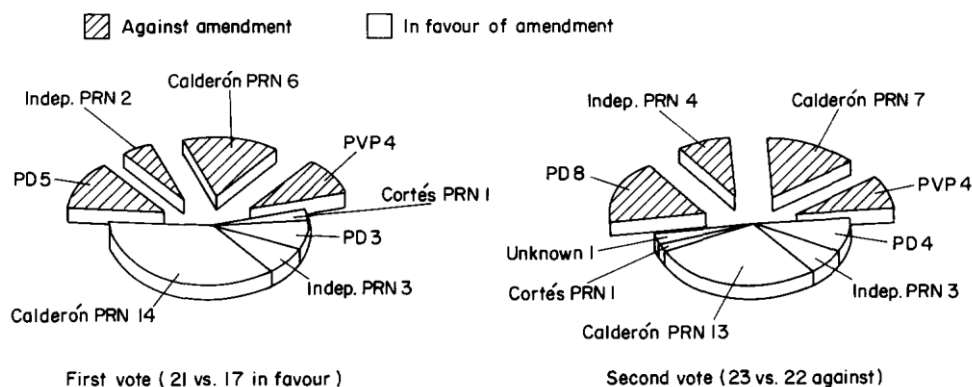


FIG. 2. Roll-call votes on the killer amendment  
 Source: CC, ES Numbers 10 and 11.

deputies split their support of this measure. They endorsed the secret franchise by a vote of two to three and four to three on the first and second votes, respectively.

Fig. 2 also shows that the only party to have voted consistently in favour of preserving the secret franchise was the PVP. Even opposition deputies did not all vote to prevent the re-establishment of public voting. During the first roll-call vote, three opposition deputies endorsed Deputy Rodríguez Rodríguez's motion while five did not. In the last vote, four opposition deputies voted in favour of this amendment while eight voted against it.

Analysis of the debate and roll-call votes on abolishing the secret franchise suggests that not all PRN deputies—not even all calderonista deputies—opposed the enactment of the Electoral Code. Most, however, did vote to re-establish public voting, perhaps because they wished to undermine a bill that threatened to increase the uncertainty of electoral outcomes. That some PD deputies also voted with a majority of PRN deputies indicates that the overhaul of electoral laws unnerved many politicians, not just those benefiting from the control of electoral machinery.

Like the first explanation of electoral reform, the political career protection thesis cannot explain why President Picado Michalski sponsored such far-reaching legislation. Promoting fairness in electoral competition not only angered the calderonistas, but also threatened to weaken his party's control of Congress. Why was the president in favour of transforming electoral institutions that promised to boost the institutional influence of the opposition? Why did enough calderonista PRN deputies join the opposition and PVP representatives to enact the Electoral Code?

### *The Strengths and Weaknesses of the Political Stability Thesis*

Whatever their motivation, all calderonista deputies—including those whose political survival did not hinge upon the use of fraud—and Calderón Guardia faced a set of undesirable choices. They could support the electoral reform and experience a decline in their electoral strength and hence their share of state power. Alternatively, calderonista PRN deputies could block passage of the Electoral Code and provoke a confrontation with the opposition. The ex-president and his legislative supporters undoubtedly realized that the failure to strengthen electoral safeguards left the opposition with no alternative but to mobilize its supporters in a general strike or even to organize a revolt against the government.

The Institutional Bases of Political Stability in Costa Rica: Elsewhere (Lehoucq, 1992, chap. 3; 1993), I demonstrated that the incentives facing Costa Rican politicians were structured by the struggle to gain and to retain control of the executive branch of government. Though many parties competed for legislative and executive offices, only one party actually captured the presidency in quadrennially- scheduled contests. Unless outgoing and incoming presidents permitted their rivals to sit in the legislature, those who had lost the presidential election might be tempted to use violence to gain control of the state. Democratic stability emerged in Costa Rica as presidents recognized that access to the legislative branch of government undercut the size of coalitions willing to organize coups against incumbents.

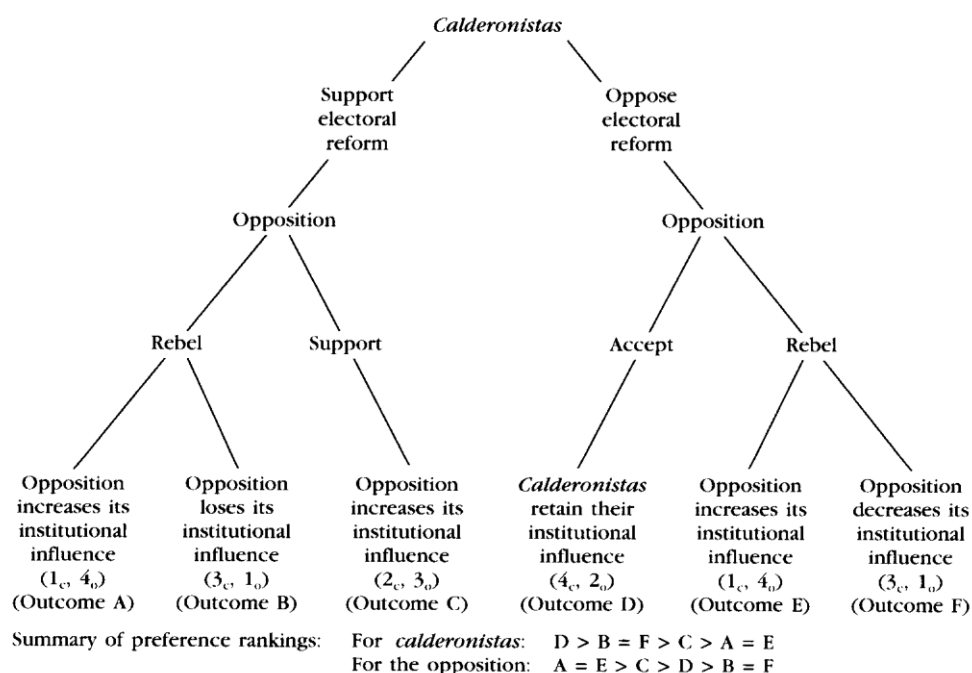
**The Emergence of Instability by the 1940s:** President Calderón Guardia's unwillingness to permit his opponents to win public office upset the delicate balance of power responsible for maintaining political stability in Costa Rica. The election of Picado Michalski to the presidency in 1944 was widely perceived as a product of Calderón Guardia's machinations, even if analysis of these electoral outcomes reveals that officially-sponsored fraud may have contributed to but not have been responsible for his electoral victory (Lehoucq, 1992, pp. 187-94). Equally destabilizing was the marginalization of the opposition in the legislature: Fig. 1 discloses that the PRN and the PVP controlled approximately three-quarters of the seats in the 1944-46 sessions of Congress. Not surprisingly, rumours began to circulate that those without a stake in prevailing institutional arrangements has begun contemplating the use of force to topple President Picado Michalski.

Despised by many and unsure of the extent of the PRN and PVP's support of his government, Picado Michalski had to make one of two choices. By strengthening the alliance with the calderonista faction of the PRN and with the PVP, he could hope to augment stability by deterring his adversaries from attempting to overthrow his regime. Or he could offer a series of concessions in the hopes of gaining the consent of opposition moderates to the existence of his regime. Though this course of action would intensify conflicts within the government, it raised the possibility of reaching an accommodation with opposition moderates that might outflank both pro- and antigovernment hardliners. Regardless of whether such an arrangement led to the formation of a coalition between the president and opposition moderates, it would increase the stability of his government by proving that opposition moderates had more to gain by co-operating than by confronting President Picado Michalski.

**The Logic of the Political Stability Thesis:** An explanation based upon the interest in political stability shared by President Picado Michalski therefore contends that calderonistas did not block the passage of the Electoral Code because they feared the consequences of inaction more than the effects of reform. To demonstrate the plausibility of this interpretation, I model the dilemma faced by the calderonista faction of the PRN as a game in extensive form, a game-theoretic device that delineates the strategies and outcomes of decisions made by two or more players. I then present an expected utility analysis, using an assessment of the opposition's chances of capturing state power through the use of force produced by Leon Cortés Castro—a former president (1936-40) and the leader of the main opposition party, the PD—to identify the advantages and disadvantages of electoral reform for both calderonistas and their adversaries.

**A Game in Extensive Form:** Figure 3 demonstrates the consequences of supporting or opposing electoral reform for calderonistas. The bottom row lists the outcomes possible, given the response of the opposition to the choices made by calderonistas. I have ranked these outcomes for calderonistas and the opposition. A low number represents a worse outcome than a higher number. No claim is made that these numbers reflect, with any degree of precision, the value of outcomes for the players.

The best outcome for calderonistas consisted of having the opposition accept their failure to support the passage of the electoral reform (outcome D). Their next best outcome was trouncing their opponents, whether because the opposition attacked the government in retaliation for the calderonista-sponsored defeat of the Electoral Code (outcome F) or simply because it, for example, had hoped to eliminate the presence of calderonistas within the political arena (outcome B). Outcomes B and F were inferior to D because a war promised to end with the destruction of the lives and property of an undesigned number of their followers. The very worst outcomes for calderonistas were those in which they lost their political predominance because they were defeated in a war started by their opponents, regardless of whether they had voted in favour of electoral reform (outcome A) or because they had not (outcome E). Endorsing electoral reform approved by the opposition only, however, represented a marginally superior outcome to military defeat (outcome C). Backing electoral reform, with the support of the opposition, thus threatened to reduce the share of state power



*Note:* Numbers in parentheses represent the ranking of outcomes by the calderonistas and the opposition (higher number means higher rank).

FIG. 3. Extended form representation of the electoral reform game between calderonista PRN and opposition deputies (Fall 1945)

held by the PRN. Doing so at least allowed the PRN to avoid the virtual certainty of their political extinction should they be defeated by their adversaries in a civil war.

The best outcomes for the opposition consisted of successful rebellions against the government, regardless of whether calderonistas endorsed (outcome A) or blocked (outcome E) electoral reform. The opposition preferred these outcomes to support for an Electoral Code approved by calderonistas (outcome C), because reform implied compromise with their political rivals. Even if its control of the legislature expanded as a result of an effective system of electoral safeguards, the opposition would still have to share power with the calderonista and other factions of the PRN. Acknowledging that calderonistas had supported electoral reform, however, was preferable to not protesting a successful attempt by calderonistas to block passage of the Electoral Code (outcome D). Military inaction accompanied by electoral reform at least promised to increase their representation in Congress: without a set of electoral guarantees, the opposition's decision to maintain the peace would demonstrate its weakness and possibly alienate many of its supporters. The worst outcomes for the opposition consisted of losing a war it started, regardless of whether calderonistas endorsed the Electoral Code (outcome B) or prevented its promulgation (outcome F).

The evaluation of alternative outcomes does not identify the most rational and mutually-acceptable course of action for calderonistas and their adversaries' Indeed, modelling the consequences of the choices facing these parties indicates that their preferences over institutions diverged. Calderonistas feared the effects of electoral reform and wished to hamstring the president into implementing policies that preserved their hold on the political system. The opposition wanted genuine institutional change in order to expand its minimal control of the political system. Why, though, did so many pro-government deputies join their adversaries in supporting the Electoral Code?

**Expected Utility Calculations:** Discussing expectations regarding the outcome of an armed clash between pro- and anti-government forces makes this question even more perplexing. Since his defeat in the 1944 presidential elections, Cortés Castro had reiterated his belief that attempting to overthrow the government was futile' His most eloquent statement of the opposition's possibility of success on the battlefield was published on 6 March 1946, three days after his unexpected death. Addressing opposition hardliners, Cortés Castro rhetorically asked whether 'the country was ready to begin armed resistance' against the government. He answered by reminding his intransigent colleagues that:

We cannot organize a defenseless country for a riot or a rebellion that would be massacred by the holders of state power who are the owners of the arms destined to defend the Republic and, in this case, would serve to send the citizens, who are the real defenders of the Republic, to the slaughterhouse.

As the preponderance of military power was held by the government, Cortés Castro realized the use of force was an unviable option for the opposition. This was why, the ex-president said (Cortés Castro, 6 March 1946), he had:

refused to listen to suggestions of violence, which could only merit the support of sensible Costa Ricans when such requests were backed by adequate preparations so that armed protest would have some probability of reasonable success and would not simply become a pointless spilling of Costa Rican blood.



If Cortés Castro's estimate serves as an indication of the expected outcome of a war between pro- and anti-government forces, scuttling electoral reform was in the best interests of the calderonistas.

Yet calderonistas no doubt knew that blocking electoral reform would encourage moderates to join opposition hardliners in support of a well-planned insurrection. Since late 1944, Cortés Castro had been negotiating with hardline critics of the government to form a broad opposition front, despite the unwillingness of most hardliners to compromise with the government (Lehoucq, 1992, pp. 247-74). It was no secret that Picado Michalski's sponsorship of the Electoral Code was motivated, in large part, by his interest in expanding the moderate opposition's stake in the political system and thus in stability.

In the absence of genuine electoral reform, then, the probability that the opposition might prevail in an armed conflict would increase because opposition moderates would have few other alternatives but to endorse the efforts of hardliners to overthrow the government through the force of arms. Should this outcome obtain, calderonistas must have realized that Picado Michalski's government could split: officers and soldiers loyal to the president might decide to side with the opposition, especially if odds appeared to suggest that such an alliance would succeed. Thwarting reforms thus aggravated political tensions and only postponed the outbreak of violence among political forces.

The fear of being outflanked and possibly overwhelmed by their rivals thus presumably convinced calderonistas, as the political stability thesis asserts, to support electoral reform. Calderonistas did not block electoral reform because the uncertainty of winning a war begun by the opposition, should they veto electoral reform, was greater than triumphing in a war started by the opposition, should supporters of the ex-president endorse electoral reform. Faced with this set of alternatives, many calderonistas found the consequences of electoral reform less intolerable than those of legislative inaction.

**Some Corroborating Evidence:** Three important events and trends during the eight-month period prior to the February 1946 elections are consistent with this analysis. First, calderonista support of electoral reform did occur as reports became more prevalent that hardline members of the opposition were plotting against the government. Secondly, this interpretation of the promulgation of the Electoral Code is the only one of the three models of electoral reform that can make sense of the puzzling decision made by several PD deputies to support the re-establishment of the public franchise. Thirdly, important evidence exists that President Picado Michalski considered distancing himself from the calderonistas unless they endorsed his efforts, as implied by my expected utility analysis of electoral reform.

During most of 1944 and 1945, the US Ambassador, Hallet Johnson, sporadically mailed reports to his superiors in Washington, DC, about rumours that opposition hardliners were planning to overthrow the government. From late December 1945 until the mid-term elections took place, all of his despatches on domestic political alignments discussed the possibility that the opposition might use violence, especially if elections were held without the safeguards deemed necessary by Picado Michalski's opponents.

That Picado Michalski, by the latter half of 1945, faced the choice of either furnishing electoral guarantees or confronting a rebellion was revealed in a conversation held between the ambassador, two of his secretaries and three members of the opposition about the options being discussed by the opposition as a whole. Roberto Salazar Mata (a respected member of the opposition), Manuel Castro Quesada (an opposition hardliner), and Ricardo Castro Beeche (Cortés Castro's campaign manager in the 1944 election) informed the ambassador and his staff that, in the words of the embassy scribe, even opposition moderates would consider 'resorting to violence' unless 'every available means of brining about free elections in February' proved successful (Johnson, 27 November 1945).

An indirect indicator of the plausibility of the expected utility analysis of the enactment of the 1946 Electoral Code is that approximately a third of all PD deputies voted to rescind the secret franchise—an acid test, as previously shown, useful for gauging support for this bill in Congress. According to Deputy Cortés Fernandez, the opposition remained split on the utility of retaining the secret franchise because many believed that public voting would increase the ability of the opposition to detect the government's efforts to stuff the ballot boxes (*La prensa libre*, 2 October 1945a & b).

Deputy Mora Valverde, nominal leader of the PVP, interpreted the opposition's behaviour as a ploy by Cortés Castro to prevent the passage of the Electoral Code. He reasoned that the failure of electoral reform bolstered the former president's political standing by demonstrating the government's lack of commitment to resolve its dispute with the opposition in a peaceful manner (CC. ES No. 11 (2 October 1945), art. 3). It seems as if Mora Valverde recognized, in line with an expected utility analysis of the Electoral Code, that the absence of fundamental reforms would strengthen the position of opposition hardliners by widening the breach between the government and its critics. Thus, even if under existing legislation the secret franchise only encouraged efforts to modify vote totals covertly, Deputy Cortes Fernandez did not explain why it would cease to do so when coupled with the other safeguards contained in the Electoral Code.

Finally, recently published memoirs and declassified US State Department documents reveal that President Picado Michalski was aware of the strategic advantages of enacting the Electoral Code. Since his election to the presidency, Picado Michalski had been courting anti-government as well as neutral capitalists and opposition moderates in an effort to free himself from dependence on the calderonistas faction of the PRN and the PVP and to arrest the development of an emerging political crisis (Lehoucq, 1992, pp. 144-7).

Though President Picado Michalski reaffirmed his links with the calderonistas and the PVP, key members of his government apparently did not forgo opportunities to reach an accommodation with the opposition. Secretary of the Interior, Soto Harrison (1991, pp. 194-5), attempted to convince the president to replace calderonista military officers with politically-neutral individuals as a way of asserting his control over the armed forces and hence constructing a foundation upon which an accommodation with the opposition could be built. To help the president accomplish these objectives, Soto Harrison informed the president that he had spoken with Victor Guardia Quirós (a politically prominent lawyer and Supreme Court Magistrate) and Luis Uribe Rodriguez (a leading merchant based in San Jose), who had each agreed to assume the command of the Artillery and Bella Vista Barracks, respectively. Soto Harrison also told

Hallet Johnson, the US Ambassador to Costa Rica, that he had advised the president to distance himself from the calderonistas by allowing their opponents to win the 1946 mid-term elections. Letting the opposition gain control of Congress, argued Soto Harrison, would allow the president to play the calderonistas and opposition against each other (Johnson, 19 November 1945, especially pp. 3-4).

The key to unlocking the deadlock between the government and the opposition thus belonged to President Picado Michalski. By proposing electoral reform, Picado Michalski would be able to identify his enemies. If calderonistas blocked the passage of electoral reform which provoked an insurrection, the president could join forces with the opposition. If the calderonistas endorsed electoral reform and the opposition nevertheless rebelled, he then could reaffirm his links with calderonismo. In both cases, he would improve his standing in political affairs by demonstrating his commitment to democratic reform and his independence from the calderonista political machine. Many calderonista deputies must have realized that the failure to help Picado Michalski placate opposition moderates threatened to trigger the formation of a tacit alliance between President Picado Michalski, opposition moderates and opposition hardliners.

### *The Enactment of the 1946 Costa Rican Electoral Code: A Synthesis of Existing Findings*

This analysis discloses that the 1946 Electoral Code was either supported or approved by politicians facing a variety of constraints. As the first model asserts, the desire to maximize the interests of their party prompted a majority of PRN deputies—especially those loyal to Calderón Guardia—to oppose the reform bill. The same interests encouraged most PD—the principal opposition party—to back the Electoral Code. Despite their support of most of the PRN's policies, the PVP—the Costa Rican communist party—also fought for a bill that promised to free itself from the need to curry the favour of the official party, the PRN.

That many deputies were elected with support from political machines that had become adept at manufacturing votes suggests that both pro- and anti-government deputies were furnished as the second model asserts, with yet additional reasons to vote against electoral reform. The desire to protect locally-based political machines may also contribute to explaining why a small number of PD legislators paradoxically opposed a bill ostensibly in the interests of their party.

Only the third model, stressing the beneficial impact of reform on political stability, can explain President Picado Michalski's sponsorship of the Electoral Code. Despite being beholden to the PRN and the calderonista machine, President Picado Michalski in part launched the Electoral Code to free himself from dependence on the party and machine led by his predecessor, Calderón Guardia. By gaining legislative approval of this radical electoral reform bill, Picado Michalski could begin to fashion a new coalition between pro- and anti-government moderates and, as a result, to isolate PD and PRN hardliners in political competition. The president also backed the Electoral Code because he feared the consequences of not doing so: unless he allayed opposition fears that the PRN would never relinquish control of the state, he faced the possibility of being overthrown by a coalition formed between opposition hardliners and moderates. The reform of existing electoral laws in Costa Rica thus represented an exercise in damage limitation: important sectors of the ruling bloc recognized that ceding power to the opposition—the most likely effect of electoral reform—was preferable to heightened political uncertainty and the probable outbreak of civil war.

### *Conclusions and Implications*

In this article, I have sought to understand why incumbents enact electoral laws that, given expectations about the performance of pro- and anti-government parties, threaten to eliminate their control of executive and legislative offices. I attempted to shed light on this puzzle by evaluating three models of political behaviour in the light of the evidence available about the origins of the 1946 Costa Rican Electoral Code. I now conclude by identifying two implications raised by my analysis—one of which concerns theories of institutional change and the other which raises questions about the received wisdom regarding subsequent political events in Costa Rican politics.

The first implication of my findings is that invalid conclusions about the nature of institutional reform will be drawn by assuming that politicians only seek to promote their interests in one political arena. The interest all parties possess, for example, in maximizing their share of legislative seats—especially in a parliamentary system—does not mean that their behaviour is solely determined by the desire to build and maintain legislative majorities. The pursuit of this objective may conflict—as it did in Costa Rica during the mid-1940s—with the electorally-driven need of some deputies to protect the interests of their political machines. Most importantly, it may clash with the interests of key sectors of the ruling bloc seeking to placate opposition demands for a greater share of state authority.

Only by recognizing that the promulgation of the 1946 Costa Rican Electoral Code was part of a more encompassing set of agreements negotiated between President Picado Michalski and opposition moderates can the behaviour of pro- and anti-government congressmen be understood (Lehoucq, 1992, pp. 247-70). That President Picado Michalski and calderonista PRN deputies supported electoral reform because they feared the consequences of inaction more than that of reform underscores the claim that institutional reforms are products of strategic calculations similar to those made when politicians enact ordinary laws and public policies. Both types of decisions require politicians to assess the impact of proposed legislation on their interests (Riker, 1980; Sened, 1991; Shepsle, 1986). Decisions to endorse or to reject institutional reforms differ from those motivating support for or opposition to more mundane types of legislation because they often mean that politicians must weigh the strengths and liabilities of institutional change on their interests as, for example, members of parties, of political machines and of the ruling bloc'. More often than not, institutional change forces politicians to trade benefits in some arenas for losses in others.

Contrary to sociological accounts of institutional change, explanations of electoral reform do not necessarily require extensive discussion of the preferences held by politicians. My interpretation of the origins of the 1946 Costa Rican Electoral Code, in fact, suggests that such accounts of electoral reform often dismiss rational choice explanations of institutional change because they discover that the legislative maximization model of reform is inadequate. Yet, as Tsebelis (1990) points out, a more thorough specification of the constraints faced by politicians yields models of reform that can furnish comprehensive accounts of institutional reform'. These thoughts do not imply, however, that studying the origins and development of preferences are unimportant. Especially in conditions of uncertainty, the perceptions and historical baggage carried by politicians can shape their decision-making. Even when political forces know a great

deal about their environment, knowledge of their perceptions remains an important part of the story of electoral reform. My analysis thus suggests that the preferences of politicians may be shaped more by strategic considerations than critics of rational choice explanations may care to admit.

The final implication of my analysis is that, contrary to prevailing accounts, the 1948 civil war was not inevitable once Picado Michalski became president of Costa Rica in 1944.<sup>10</sup> Even if fraud sponsored by his predecessor was responsible for his political victory—which remains a highly debatable proposition (Lehoucq, 1992, pp. 187-94)—Picado Michalski was not a stooge of the political machine led by Calderón Guardia. That he sought to reform electoral laws shows that he recognized that establishing the independence of his government was indispensable for its survival. The passage of the Electoral Code demonstrates that the president and important opposition politicians wished to prevent the outbreak of hostilities that many—but not all—wished to avoid.

Ultimately, the president's efforts to create a mutual understanding with the opposition failed (Lehoucq, 1992, chaps. 6-7). The death of Cortés Castro in March 1946 decapitated opposition moderates; no other leader with as large a popular following could bargain with a government many believed would never willingly relinquish control of the state. In their struggle to become leaders of the opposition, hardliners like Figueres Ferrer and Ulate Blanco discredited all those who still wished to cooperate instead of confront Picado Michalski's government. Once Calderón Guardia decided to run for the presidency in late 1946, the relations between government and opposition polarized. Allegedly won by Ulate Blanco, the 1948 presidential elections were followed by intense negotiations that failed to resolve the differences regarding political succession. An army led by Figueres Ferrer ultimately triumphed in the ensuing civil war between the government and its opponents.

### *Notes*

1. A revised version of the 1946 Electoral Code was produced in the aftermath of the 1948 Civil War and the ensuing 1949 National Constituent Assembly. The modifications were required to ensure that the Electoral Code was not inconsistent with the Constituent Assembly's decision to endow the electoral tribunal—which they named the Supreme Tribunal of Elections—with sole authority for the organization of elections and the tally of the vote. An overview of this institution's place in the Costa Rican political system is furnished by Murillo (1983) and Villegas Antillón (1987). Slightly more will be said of electoral tribunals and the relationship between presidential incumbents and the organization of elections in subsequent sections of this article'
2. Given the propensity of US Congressmen and state legislators to create advantages for themselves (for example, gerrymandering districts and using mailing and other privileges to communicate with their constituents), I find it odd that so little work has been done on how incumbents design institutions to insulate themselves from the rigours of electoral competition. For some exceptions, see Grofman, Lijphart, McKay and Scarrow (1982) as well as Grofman (1990)'
3. Downs (1957) was the first to develop a deductive theory about the office-seeking interests of political parties. Downs' model, along with subsequent reformulations of his theory, are discussed in Schlesinger (1991), Strom (1990) and Wittman (1983).

4. The Organic Law of the Civic Registry was written by Victor Guardia Quirós, José Maria Vargas Pacheco and Alfredo Zúñiga Pages. It was printed in *La tribuna*, No. 7,332 (18 March 1945). This committee's introductory remarks on their draft project was published in *La tribuna*, No' 7,334 (16 March 1945), p. 7' An incomplete version of the latter is contained in Soto Harrison (1991, pp. 197-206)'
5. Identifying the date of origin of this system in Costa Rica is difficult. The 1893 Law of Elections introduced proportional representation to Costa Rica for those provincial districts that sent three or more representatives to Congress. Parties were entrusted with the responsibility of furnishing voters with ballots which citizens were free to amend as they saw fit on election day. Governments began to supply voters with ballots containing the list of candidates submitted by registered parties since 1927'
6. By mid-1947, PVP deputies succeeded in enacting a law lowering this threshold to 50 per cent. See 'Ley No. 1096 (27 August 1947)''
7. The 1949 National Constituent Assembly maintained these reforms, and made the TNE's verdict the official tally of elections.
8. I could not consult the minutes of sessions produced by Congress itself because they are neither available in the National Archives nor in the Library of the Legislative Assembly (in 1949, delegates attending the National Constituent Assembly devised a new name for the legislative branch of their government). Found in the National Archives (Washington, DC), US diplomatic files on the internal affairs of Costa Rica include forecasts of Costa Rican politics made by Embassy officers and summaries of Costa Rican newspapers and documents. Most importantly, they present transcripts of interviews with Costa Rican officials and politicians—information rarely to be found in other primary sources.
9. These reforms were proposed by PD Deputies Fernando Lara Bustamente and Eladio Trejos (Proyecto (23 November 1945)). They were approved by a multiparty committee five days later (Dictamen de la Comisión de Legislación (28 November 1945)' These reforms were endorsed in the third and final debate on 5 December (CC, ES No' 57)'
10. Furthermore, Lehoucq (1991; 1992, pp. 118-38, 194-200) shows that economic and social policies pursued by both presidents helped as well as harmed the interests of the dominant class. Accounts which contend that the 1948 civil war was the culmination of numerous disagreements between social reformist governments and a conservative opposition aligned with the Costa Rican oligarchy thus rest upon a misleading, if not inaccurate set of premises.

### *Bibliography*

- Ameringer, Charles D' (1982) *Democracy in Costa Rica*' Praeger Publishers, New York' Bawn, Kathleen (1992) *The Social Choice of Electoral Institutions: German Wahlgesetz, 1949-1953*', (paper presented at the Eighth International Conference of Europeanists)' Booth, John A. (1989) 'Costa Rica: The Roots of Democratic Stability', in Diamond, Larry, Linz, Juan, J (eds) *Democracy in Developing Countries: Latin America*' Lynne Rienner Publishers, Boulder, CO.
- Brady, David and Mo, Jongryn (1992) 'Strategy and Choice in the 1988 National Assembly Election of Korea', *Comparative Political Studies*, 24:(1) 405-29.
- CC, ES No. 66 (11 January 1945), art' 3, *La Gaceta*, 14 (18 January 1945), 77-78'

- CC, ES No. 7 (26 September 1945), art' 3, *La Gaceta*, 225 (7 October 1945), 1765-1766' CC, ES No. 8 (27 September 1945), art' 4, *La Gaceta*, 227 (10 October 1945), 1778-1779. CC, ES No. 10 (1 October 1945), art' 4, *La Gaceta*, 228 (11 October 1945), 1786' CC, ES No. 11 (2 October 1945), art' 3, *La Gaceta*, 229 (12 October 1945), 1794' CC, ES No' 57 (5 December 1945), *La Gaceta*, 18 (23 January 1946), 145' CC, ES No' 65 (20 December 1945), art' 4, *La Gaceta*, 23 (29 January 1946), 183' Contreras, Gerardo and Cerdas, Jose Manuel (1988) *Los años cuarenta: historic de una politica de alianzas*. Editorial Porvenir, San José'
- Cortes Castro, Leon (1946) 'El Ultimo reportaje politico de don León Cortes', Entrevista hecha por Sergio Carballo R., *La prensa libre*, 13,752, 1, 3'
- Dictamen de la Comisión de Legislación (28 November 1945) *La Gaceta*, 270 (30 November 1945), 2116'
- Downs, Anthony (1957) *An Economic Theory of Democracy*. Harper & Row, New York.
- Duverger, Maurice (1954) *Political Parties*, John Wiley & Sons, New York, Duverger, Maurice, (1986), 'Duverger's Law: Forty Years Later', in Grofman and Lijphart (eds) *Electoral Laws and Their Consequences*.
- Elster, Jon (1983) *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge University Press, Cambridge.
- Geddes, Barbara (1990) 'Democratic Institutions as a Bargain Among Self-Interested Politicians', (paper presented at the Annual Meeting of the American Political Science Association.)
- Grofman, Bernard (ed) (1990) *Political Gerrymandering and The Courts'* Agathon Press, New York'
- Grofman, Bernard and Lijphart, Arend (eds), (1986) *Electoral Laws and Their Political Consequences*, Agathon Press, New York.
- Grofman, Bernard; Lijphart, Arend; McKay, Robert and Scarrow, Howard (eds), (1982) *Representation and Redistricting Issues*. Lexington Books, Lexington.
- Hernández Valle, Rubén (1990) *Derecho Electoral Costarricense*. Editorial Juricentro, San José'
- Informe, (8 October 1945) [Informe] dado por la Junta Directiva del Colegio de Abogados sobre la consulta que el Congreso Constitucional le hiciera en relación con el voto femenino', *La Gaceta*, 229 (12 October 1945), 1796-7'
- Johnson, Hallet (5 June 1945) 'Composition of Costa Rican Congress', Despatch No' 583, USNA-DS 818'00/6-545; (19 November 1945) 'Proffered Resignation of Minister of Government Not Accepted; Question of Free Elections to the Forefront in Increasingly Disturbed Political Situations', Despatch 1243, USNA-DS 818'002/11-1945, 3-4; (27 November 1945) 'Memorandum of Conversation', Enclosure No. 3 to Despatch No. 1281, USNA-DS 818'00/11-2745, 1.
- Katz, Richard S. (1980) *A Theory of Parties and Electoral Systems*. John Hopkins University Press, Baltimore.
- Kitschelt, Herbert (1992) 'Explaining the Choice of Electoral Laws in New Democracies: The Experience of Southern and Eastern Europe', (paper presented at the Eighth International Conference of Europeanists)'
- Knight, Jack (1992) *Institutions and Social Conflict*. Cambridge University Press, Cambridge.
- Lane, Jr., Rufus H' (7 August 1944) 'Political', Despatch No. 1737, USNA-DS 818.00/8-744, 2. *La prensa Libre* (San José, Costa Rica) (21 September 1945), No. 13,524, 'Maniobra politica para que la nueva Ley Electoral sea vetada por el Ejecutivo'; (2 October 1945a), No' 13,533, 'La Ultima campaña electoral demostró el fracaso del voto secreto'; (2 October 1945b), No. 13,533,



- 'El voto público como reacción de los últimos fraudes'; (12 February 1946), No' 13,735, 'Editorial: las elecciones'
- Lehoucq, Fabrice, Edouard (1991) 'Class Conflict, Political Crises and the Breakdown of Democratic Practices in Costa Rica: Reassessing the Origins of the 1948 Civil War', *Journal of Latin American Studies*, 23(1)
- Lehoucq, Fabrice, Edouard (1992) 'The Origins of Democracy in Costa Rica in Comparative Perspective', (unpublished doctoral) dissertation, Duke University, Durham, NC.
- Lehoucq, Fabrice, Edouard (1993) 'Presidentialism, Electoral Laws and the Development of Democratic Stability in Costa Rica, 1882-1990', (unpublished)
- Lijphart, Arend; Grofman, Bernard, (1984), *Choosing an Electoral System: Issues and Alternatives*. Praeger, New York.
- Lipset, Seymour Martin (1992) 'The Centrality of Political Culture', Lijphart, Arend (ed) *Parliamentary versus Presidential Government*. Oxford University Press, New York.
- Lipset, Seymour Martin; Rokkan, Stein (1967) 'Cleavage Structures, Party Systems and Voter Alignments', *Party Systems and Voter Alignments: Cross-National Perspectives*. The Free Press, New York
- Lijphart, Arend (1990) 'The Political Consequences of Electoral Laws, 1945-85', *American Political Science Review*, 84(2) 481-496.
- Lijphart, Arend (1993) *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. Oxford University Press, New York.
- Miller, Eugene D' (1993) 'Labour and the War-Time Alliance in Costa Rica, 1943-1948', *Journal of Latin American Studies*, 25(3) 515-541.
- Mociones (4, 5 & 7 August 1945) *La Gaceta*, Nos. 174, 175 & 176, 1351-1352, 1357-1358, 1365'
- Murillo, Mauro (1983) 'El Tribunal Supremo de Elecciones', in Gutierrez, Carlos, José (ed) *Derecho constitucional costarricense: ensayos*. Editorial Juricentro, San José'
- Nohlen, Dieter (1993) *Los sistemas electorales en America Latina y el debate sobre reforma electoral*. Universidad Nacional Autónoma de México, Mexico.
- Proyecto (28 June 1945) *La Gaceta*, 155 (12 July 1945), 1160-1175; (23 November 1945) *La Gaceta*, 268 (28 November 1945), 2101'
- Rae, Douglas (1971) *The Political Consequences of Electoral Laws* (revised edition). Yale University Press, New Haven'
- Riker, William, H., (1980) Implications from the Disequilibrium of Majority Rules for the Study of Institutions, *American Political Science Review*, 74(2).
- Riker, William H. (1992) 'Duverger's Law Revisited', *American Political Science Review*, 76(4) 753-766.
- Sartori, Giovanni (1986) 'The Influence of Electoral Systems: Faulty Laws or Faulty Method?' in Grofman and Lijphart (eds), *Electoral Laws and Their Political Consequences*' Schlesinger, Joseph A. (1991) *Political Parties and the Winning of Office*' University of Michigan Press, Ann Arbor.
- Sened, Itai (1991) 'Contemporary Theory of Institutions in Perspective', *Journal of Theoretical Politics*, 3(4) 379-402'
- Shepsle, Kenneth A. (1986) 'Institutional Equilibrium and Equilibrium Institutions', in Weiberg, Herbert, F' (ed) *Political Science: The Study of Politics*' Agathon Press, New York.
- Shugart, Matthew Soberg (1992) 'Leaders, Rank and File, and Constituents: Electoral Reform in Colombia and Venezuela', *Electoral Studies*, 11(1) 21-45'
- Soto Harrison, Fernando (1991) *Qué pasó en los años cuarenta*' EUNED, San José'

- Strom, Kaare (1990) 'A Behavioral Theory of Competitive Political Parties', *American journal of Political Science*, 34(2) 565-98.
- Taagepera, Rein, Shugart, Matthew S. (1989) *Seats and Votes: The Effects and Determinants of Electoral Systems*. Yale University Press, New Haven.
- Tsebelis, George (1990) *Nested Games: Rational Choice in Comparative Politics* University of California Press, Berkeley.
- Villegas Antillón, Rafael (1987) 'El Tribunal Supremo de Elecciones y el Registro Civil de Costa Rica', *Cuadernos de LAPEL*, 18, Centro Interamericano de Asesoría y Promoción Electoral, San José'
- Wittman, Donald (1983) 'Candidate Motivation: A Synthesis of Alternative Theories', *American Political Science Review*, 77(1) 142-157'